

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2948 OF 2006

Shrikant M. Sharma Petitioner
V/s
The State of Maharashtra & Ors.....Respondents.

Mr.M.R.Sharma, Adv. For the petitioner.

Mr.R.M.Patne, AGP for the respondents.

CORAM: A.P.DESHPANDE, J.

9/10/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing.

By the instant petition the petitioner is seeking relief for quashing of the declaration of slum area dated 2.6.05 which came to be published in the government gazette on 16.6.05. The petitioner claims to be the owner of property bearing CTS Nos.436-C and 436-C-1 to 47. Said properties came to be declared as slum area vide declaration dated 2.5.05. In the present petition an order passed by the President, Slum Areas (I. C. & R) Tribunal, Mumbai rejecting the appeal filed by the petitioner is challenged. In Writ Petition No.945/06 similar order passed by the Tribunal was challenged and the learned Single Judge of this Court by a judgment dated 20.2.06 allowed the petition and directed the Tribunal to decide the appeal afresh after making an inquiry. The petitioner in the said petition was permitted to place on record all the material and evidence in support of his objection to the declaration of the slum. After remand of the matter by this Court the Tribunal by its order dated 13.2.06 has set aside the slum declaration dated 2.5.05

published in the government gazette on 16.6.05. The said declaration comprise the present petitioner's properties referred to herein above. The Tribunal has issued direction that the Competent Authority shall made fresh inquiry after issuing show cause notices to all the occupants and persons interested. A further direction has been issued to carry out the inspection and for granting of an opportunity to produce document and material in support of the objection. In short, the very notification which is the subject matter of the present writ petition has been quashed and set aside and thus nothing survives in the writ petition. The petition is thus rendered infructuous in view of the happening of subsequent events. Writ Petition bearing No.1640/06 in an identical set of facts has been disposed of by this Court by an order dated 14.8.07. I propose to pass the same order which is passed in the disposed of writ petition. I deem it appropriate in the facts of the present case to direct the Competent Authority to issue notice to the present petition in the proceedings which he would be initiating pursuant to the order dated 13.12.06 passed by the President/Tribunal in Appeal No.26/05. The Competent Authority shall issue notice to the present petitioner and thereafter proceed in accordance with law. Rule made absolute in above terms.

9.10.07